

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JOY MACK

PLAINTIFF

V.

CIVIL ACTION NO.1:23-CV-13-GHD-DAS

UNITED STATES OF AMERICA, et al.

DEFENDANT

ORDER

The plaintiff has moved for a referral to the court's volunteer attorney program. There being no such program, the court treats the motion as one for appointment of counsel. Leave to file *in forma pauperis* has been previously granted in this action.

There is no automatic right to counsel in civil cases and the court has no funding with which to compensate counsel for representation of parties in civil litigation. In determining whether to appoint counsel in a civil case, a district court normally considers three factors: 1) the merits of the plaintiff's claim, 2) the plaintiff's efforts to obtain counsel and 3) the plaintiff's financial ability to retain counsel. *Luna v. Intl. Ass'n. of Machinist and Aerospace Workers Local # 36*, 614 F.2d 529, 531 (5th Cir. 1980). Here the court finds that it needs only consider the merits of the case to reach a conclusion that it must deny the motion. Concurrent with this order, the undersigned has filed his Report and Recommendation that this action be dismissed with prejudice. For the reasons set forth in that report, the court finds that the merits of the claim do not justify appointment of counsel.

IT IS ORDERED that the plaintiff's motion for referral to a volunteer attorney program, construed as a motion for appointment of counsel is denied.

SO ORDERED this the 5th day of July, 2023.

/s/ David A. Sanders
U.S. MAGISTRATE JUDGE

